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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE
SUITE 6300
SEARS TOWER
CHICAGO IL 60606

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NOV 22 2006

OFFICE OF PETITIONS

In re Application of :
Salvatore Pace and :
James Youngblood III : DECISION ACCORDING STATUS
Application No. 10/657,760 : UNDER 37 C.F.R. § 1.47(a)
Filed: September 8, 2003 :
Atty Docket No. 30506/39552 :
:

This is a decision on the PETITION UNDER 37 C.F.R. § 1.47(a) filed March 22, 2004. This petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on September 8, 2003, without an executed oath or declaration. Accordingly, on December 18, 2003, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition, made timely by an accompanying petition and fee for extension of time within the second month. The petition included a declaration executed by joint inventor Youngblood on behalf of himself and on behalf of non-signing inventor Pace. Applicant asserts that status under 1.47(a) is proper because joint inventor Pace refuses to

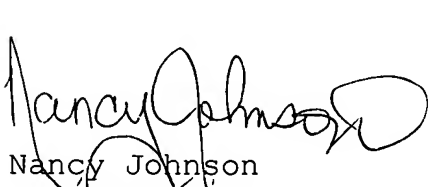
join in the application. By statement of facts of patent attorney Michael Muczynski, and based on first hand knowledge and with supporting documentary evidence, applicant shows that after having been presented with the application papers inventor Pace has expressly refused to join in the application.

The declaration filed March 22, 2004, has been reviewed and found in compliance with § 1.63. The petition includes the petition fee and the last known address of inventor Pace.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Mr. Salvatore Pace
2048 Rouse Creek Court
Ann Arbor MI 48108

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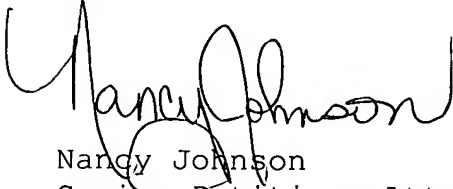
Dear Mr. Pace:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be

directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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